

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
) CASE NO. MJ 10-552
Plaintiff,)
)
v.) DETENTION ORDER
)
GARY NATHANIEL GATEWOOD, JR.)
)
Defendant.)
_____)

Offense charged: Felon in Possession of a Firearm

Date of Detention Hearing: January 5, 2011

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant, having been previously convicted of the felonies of Possession of Stolen Property in the First Degree, Possession of Marijuana with the Intent to Deliver,

Possession of Ecstasy (MDMA), and Possession of Cocaine, is charged with possessing a .32 caliber semi-automatic pistol in violation of 18 U.S.C. Section 922(g)(1).

(2) The Complaint alleges that defendant was arrested in connection with alleged threats with a gun on July 1, 2009. Defendant has been in state custody on charges related to that incident since approximately that date. Defense counsel proffers that the complainant in that incident has recanted. According to the Complaint, the firearm which defendant is alleged to have possessed is connected to him by a DNA analysis. Defendant disputes the accuracy of the DNA results.

(3) Defendant has a significant criminal history which includes numerous failures to appear, as well as bench warrant activity, although defendant proffers that the currently active bench warrants were issued when defendant failed to appear due to incarceration. His criminal history includes failures to comply with court orders, including the commission of assaults, threatening a victim, failing to obey the prohibition against possessing firearms, failing to report, moving without permission, failing to provide a valid address, and being outside of geographic boundaries.

(4) There does not appear to be any condition or combination of conditions that will reasonably assure the defendant's appearance at future Court hearings while addressing the danger to other persons or the community.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody

01 pending appeal;

02 (2) Defendant shall be afforded reasonable opportunity for private consultation with
03 counsel;

04 (3) On order of a court of the United States or on request of an attorney for the
05 Government, the person in charge of the corrections facility in which defendant
06 is confined shall deliver the defendant to a United States Marshal for the purpose
07 of an appearance in connection with a court proceeding; and

08 (4) The clerk shall direct copies of this Order to counsel for the United States, to
09 counsel for the defendant, to the United States Marshal, and to the United States
10 Pretrial Services Officer.

11 DATED this 5th day of January, 2011.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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